

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**January 15, 2015**



**Conditional Use Permit case no. CU14-16: J.C. Wall**

**CASE DESCRIPTION:** a request for approval of a Conditional Use Permit to allow a 9-unit multi-family development on property zoned South College-Business District (SC-B)

**LOCATION:** 0.445 acres of vacant land at the south corner of South College Avenue and Watson Lane, being Lot 1 in Block 3 of the Watson Lane Townhome Subdivision

**ZONING:** South College – Business District (SC-B)

**EXISTING LAND USE:** vacant acreage

**APPLICANT(S):** JC Wall

**STAFF CONTACT:** Matthew Hilgemeier, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this Conditional Use Permit request, **subject to certain conditions**.





## BACKGROUND:

The subject property is an undeveloped 0.445-acre tract of land zoned South College – Business District (SC-B). The property is owned by HKH Group LLP., represented by JC Wall. The owners wish to develop a 9-unit multi-family residential project with 18 bedrooms on the subject property. The proposed density of the project is 3.96 units per acre and will consist of 9,369 square feet of total living space in one building.

The subject property lies approximately 445 feet north of the intersection of Old College Road and South College Avenue. Existing land uses in the immediate area include a commercial produce seller (Farm Patch) to the east, a manufactured home park to the south and west, and a bar/tavern (Carney's) is located to the north across Watson Lane as along with two vacant lots and three single-family homes. The same property owner has constructed a 13-unit townhome development on and adjacent 2-acre property, which was approved with a Conditional Use Permit in June of 2013 and was completed in October 2014.

In March 2013, the Planning and Zoning Commissions a motion to approve a similar Conditional Use Permit request on this same property, along with the property located behind the subject property, to allow a total of 19 townhomes (case no. CU13-03) failed by a vote of 3 to 5, denying the request. An excerpt of the minutes from the March 21, 2013 regular meeting of the Planning and Zoning Commission are attached to this staff report. The property owner appealed that decision to the City Council and at its regular meeting on April 23, 2013 the City Council upheld the Commission's decision to deny that request by a vote of 5 to 1. An excerpt of the minutes from the April 23, 2013 regular meeting of the Bryan City Council is attached to this staff report.

In June 2013, the applicant followed the suggestions made by both the Planning and Zoning Commission and the City Council, and submitted a new request for Conditional Use Permit (case no. CU13-04) approval, which was for 13 townhome units on the property adjacent to this current request. Preliminary plans for the subject property of this current request at the time envisioned 4,000 square feet of retail

space along South College Avenue. The Planning and Zoning Commission voted to approve the request for the 13 townhomes. Since that time, Mr. Wall has marketed the property for retail use, but has not had any interest from any retail providers or developers. Therefore, Mr. Wall is now requesting approval of a Conditional Use Permit to allow a 9-unit multi-family residential development on the 0.445-acre subject property. Unlike the previous townhome development on the adjacent property, the current project is proposed to be a condominium-type multi-family residential development with 9 units on one property, not individual lots. Mr. Wall has stated that he intends to retain ownership of the property.

The SC-B District is intended to protect existing development and to promote future development while maintaining the unique character along the South College Avenue Corridor. More specifically, the SC-B District is established to provide locations for various types of general retail trade, business and service uses. The district allows uses which are generally compatible near or adjacent to, but not usually directly in residential neighborhoods.

SC-B zoning potentially allows for multi-family residential developments, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission. The purpose of the Conditional Use Permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts. The applicants are requesting such a Conditional Use Permit to be able to build the proposed multi-family residential development, as shown on the conceptual site plan attached to this staff report.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan adopted a Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

### **Citywide Land Use Policies**

All land uses should be located such that:

- appropriate buffers separate dissimilar uses. Buffers include, but may not be limited to transitional land uses, floodplain areas, parks, landscaping or natural and man-made features;

### **Use-Specific Land Use Policies**

**High Density Residential** land will predominantly consist of housing types such as apartments but may consist of other housing types as long as densities are high, ranging from 9 to 24 dwelling units per acre. These uses should be located in areas that are:

- along collector or arterial streets at mid-block locations, where appropriate.

### **Redevelopment and Infill Policies**

- The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.

## Goals, Objectives and Action Statements

The following goals, objectives and action statements were developed to address land use concerns facing Bryan in the next twenty years.

### **GOAL #1: ACHIEVE A BALANCE OF LAND USES WITHIN THE CITY**

**Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.**

*Action Statement 4: Limit the locations of large-scale multi-family developments to areas within an identified proximity to Blinn College and Texas A&M University.*

### **ANALYSIS:**

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**Physical development of this property is proposed to comply with the standards and limitations that generally apply to properties zoned South College-Business (SC-B) and developed as multi-family units including, but not limited to regulations concerning density, building height, lot coverage, access, screening, landscaping, accessory buildings, signs and lighting. Staff believes that applying the same standards that generally apply to SC-B zoned properties in Bryan, is appropriate for the proposed multi-family residential development at this location.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**Staff believes that multi-family residential use on the subject property would be compatible with existing or permitted uses on abutting sites and appropriate within the environment within which it is proposed. While there are existing commercial uses located directly north and east of the subject property, there are single-family and other multi-family residential uses located to the west and further south along both Watson Lane and along South College Avenue. Staff believes that the configuration of this proposed multi-family residential development may serve as a useful transition from more intense commercial uses located to the east and south, and lower-density single-family uses to the west of the subject property.**

**The South College Corridor Overlay is intended to provide for greater control over the aesthetic and functional characteristics of development along South College Avenue where higher development standards can effectively enhance the City's image as a place to live, work and shop. As such, staff recommends that in order to meet the intent of the overlay, any approval of this Conditional Use Permit request be made subject to the requirement that the multi-family residential structure has a minimum of 80% of the front and side facades visible from a public right-of-way consisting of stone or masonry and that the front façade shall have changes in plane with a depth of at least 24-inches at intervals no less than 15 feet and no greater than 30 feet. Additionally, staff recommends that a minimum of 2 windows are installed on the dwelling units at that will have outer facade visible from the public right-of-way.**

**The structure is proposed to be 2 stories tall with a maximum height of 25 feet, which appears to be similar in character to other structures in the surrounding neighborhood. The townhome**

units built on the adjacent properties were constructed with a maximum height of 25 feet. However, in an effort to ensure that the building's roofline provides visual interest, staff recommends that no more than 50% of the roofline facing South College Avenue, as well as to the rear of the project, should be at the same elevation. Staff further recommends that a 3-foot tall wrought iron perimeter fence with masonry columns located at the property corners and every 50 feet shall be installed along the property line adjoining South College Avenue. Staff believes that these additional features will enhance the visual aesthetics along the South College Avenue corridor.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Staff believes that approval of the requested Conditional Use Permit for a multi-family residential development would not cause a negative impact on existing and future development in the area. The subject property is located approximately 1.5 miles from Texas A&M University. Staff believes that if approved with the conditions that are listed below, this multi-family development would not create any greater unfavorable effects or impacts on other existing or permitted uses on abutting sites.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff does not anticipate that an additional 9 residential unit (18 bedrooms) development at this location will generate any more traffic than what a commercial development could generate that would be allowed to locate here without Conditional Use Permit approval. Staff contends that the proposed multi-family residential use at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Any new development on this property, including the proposed multi-family residential use, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested and no portion of this property is located within the FEMA recognized floodplain.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**Staff contends that if approved, the proposed multi-family residential use of this particular property will not have any adverse effects on traffic control or adjacent properties. As proposed this multi-family residential development is not expected to adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

The concept site plan drawing submitted for consideration indicates adequate parking for the proposed development showing 18 required parking spaces. In June 2013, when the Conditional Use Permit for the 13 unit townhome development was approved, a shared parking agreement was submitted with the site plan for that development. A total of 74 off-street parking spaces are available to both developments to use, which equates to approximately 3.4 parking spaces per dwelling unit.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Staff believes that, in this particular case, the proposed multi-family residential development on the subject property will result in a desirable arrangement of land use intensities in this area. The South College Corridor Overlay District is intended to allow for the development of a mix of uses which can complement each other in type and character. A multi-family residential project on this 0.445-acre lot does not require a large amount of street frontage to attract potential customers, and therefore seems appropriate for this location.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes the proposed multi-family residential use of this property will have no ill effects on properties or improvements in the vicinity. As mentioned before, several adjacent properties are also occupied by residential uses at varying densities. As previously mentioned, this project could serve as a catalyst for increased redevelopment activity, which was one of the reasons for the creation of the South College Corridor zoning districts.

10. Whether the premises or structures are suitable for the proposed conditional use.

For the same reasons given above, staff believes that the subject property is suitable for multi-family residential use.

## **RECOMMENDATION:**

Staff recommends **approving** the requested Conditional Use Permit to allow a multi-family residential development on the subject property, **subject to the following conditions:**

1. That a site plan fulfilling all the technical requirements for development of a multi-family structure on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.
2. That any such site plan shall substantially conform to the conceptual site plan and building elevations that are attached to this staff report.
3. That 80% of the front and side façades visible from a public right-of-way consist of a variation of stone and masonry.
4. That the façade facing South College Avenue shall have changes in plane with a depth of at least 24 inches at intervals no less than 15 feet and no greater than 30 feet.

- 5. That a minimum of 2 windows are installed on the dwelling units at that will have facades visible from a public right-of-way.**
- 6. That no more than 50% of the roofline facing South College Avenue as well as to the southwest (rear) of the project may be at the same elevation.**
- 7. That a 3-foot tall wrought iron perimeter fence with masonry columns located at the property corners and every 50 feet shall be installed along the property line adjoining South College Avenue.**



**EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTE RECORD  
OF MARCH 21, 2013:**

**8. Conditional Use Permit CU13-03:**

**M. Hilgemeier**

*A request to allow Townhomes in a South College - Business (SC-B) zoning district for property located at 3500 S College Avenue in Bryan, Brazos County, Texas.*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approval of the proposed conditional use permit, subject to the following conditions:

1. That the apartment development shall generally conform to standards and limitations that generally apply to properties zoned South College-Business (SC-B) specifically pertaining to townhome developments, including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening, landscaping, accessory buildings, signs and lighting.
2. That a site plan fulfilling all the technical requirements for development of a townhome complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.
3. The property owners provide a public access easement the length of the property along Watson Lane. The purpose of this public access easement is to include a 5-foot sidewalk.

The public hearing was opened.

Tony Hazel, 122 Watson Lane, spoke in opposition to the proposed permit, citing concerns for increased noise and traffic.

Joe Gattis, 2010 Moses Creek Ct, College Station, presented a proposed drawing (on file in the Development Services Department), described the proposed 17 dwelling units, and made himself available for questions.

The public hearing was closed.

**Commissioner Hickle moved to approve Conditional Use Permit CU13-03, subject to the following conditions:**

- 1. That the apartment development shall generally conform to standards and limitations that generally apply to properties zoned South College-Business (SC-B) specifically pertaining to townhome developments, including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening, landscaping, accessory buildings, signs and lighting.**
- 2. That a site plan fulfilling all the technical requirements for development of a townhome complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**



3. **The property owners provide a public access easement the length of the property along Watson Lane. The purpose of this public access easement is to include a 5-foot sidewalk. Commissioner Jones seconded the motion.**

Commissioners discussed:

- The benefits of development
- The lot's previous use
- The parking requirements of the proposed development
- Compatibility with neighboring commercial uses
- The possibility of noise complaints from potential residents of the proposed development
- Whether high density residential or commercial use was more appropriate

**The motion failed with a 3-5 vote. Commissioners Hickle, Bienski, and Jones voted in favor. Commissioners Gonzalez, Beckendorf, Krolczyk, Madison, and Gutierrez voted in opposition.**

**EXCERPT FROM CITY COUNCIL REGULAR MEETING MINUTE RECORD OF APRIL 23, 2013:**

**11. REGULAR AGENDA - Consideration – Appeal of Conditional Use Permit (CU 13-03)**

Mr. Dunn presented information regarding an appeal of the Planning and Zoning Commission's denial of a conditional use permit request to allow townhomes on property in a South College - B (SC-B) zoning district, specifically on property at 3500 South College Avenue, being 2.00 acres of vacant land out of the J.E. Scott Survey at the south corner of South College Avenue and Watson Lane.

The basis for the Commission's denial was explained. Mr. J. C. Wall, the appellant, showed slides of the proposed development and property schematics. He stated he felt the proposed water detention area would not cause any additional water runoff. Mr. Joe Gattis, engineer for the project, reviewed the site plan and addressed storm water runoff. Mr. John Wall discussed construction of the project. Staff and the appellant answered questions posed by Councilmembers.

Concern was expressed about parking and density, but it was pointed out the site was undesirable as a business location. Councilmember Owens moved to uphold the findings of the Planning and Zoning Commission, thereby denying the appeal. The motion was seconded by Councilmember Madison. Discussion followed about concerns with the proposed use relative to the neighboring properties. The motion carried with five yeses, one no (Councilmember Hughes) and one absent (Mayor Bienski).

**EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTE RECORD OF JUNE 6, 2013:**

**5. Conditional Use Permit CU13-04: J.C. Wall III**

**M. Hilgemeier**

*A request to allow a townhouse development on property zoned South College – Business District (SC-B), specifically on property located at 3500 South College Avenue, being 2 acres of vacant land out of the J.E. Scott Survey at the south corner of South College Avenue and Watson Lane in Bryan, Brazos County, Texas.*

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff

recommends approving the request subject to conditions relating to conformity with SC-B District standards and the submission of a site plan for SDRC review.

The public hearing was opened.

Mr. Joe Gattis, 2010 Moses Creek Court, College Station, Texas, the applicant's engineer, came forward to speak in favor of the request. He stated that he would be happy to answer any questions.

Ms. Sharon Anderson, 2304 Cindy Lane, Bryan, Texas, came forward to speak in opposition to the request, informing the Commission that the development did not have enough parking and that neighboring properties were noisy and received many noise complaints from residents.

Mr. Barry Ivans, 3410 South College Avenue, Bryan, Texas, came forward to speak in opposition to the request. He informed the Commission that he was the current owner of the neighboring Carney's pub. He stated that he has greatly improved the pub and only received one noise violation. He informed the Commission that he was concerned about the noise impact of the proposed development.

The public hearing was closed.

**Commissioner Hickle moved to approve Conditional Use Permit CU13-04 subject to the following conditions:**

- 1. That the apartment development shall generally conform to standards and limitations that generally apply to properties zoned South College-Business (SC-B) specifically pertaining to townhome developments, including, but not limited to regulations concerning density, building height, building elevations, coverage, access, screening, landscaping, accessory buildings, signs and lighting.**
- 2. That a site plan fulfilling all the technical requirements for development of a townhome complex on the subject property, including, but not limited to public water/sewer utility extensions, stormwater management, landscape plan and analysis and on-site traffic circulation, shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued.**

**and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.**

Commissioners discussed:

- Whether the townhomes would be screened for noise
- What type of windows were proposed
- What type of fencing would be around the development
- Whether the noise of nearby properties should affect this request
- Thanking the applicant for returning

The public hearing was reopened only for the applicant's engineer.

Mr. Joe Gattis, 2010 Moses Creek Court, College Station, Texas, came forward to respond to questions about the location and types of fencing around the proposed development.

The public hearing was closed.

The public hearing was reopened only for the applicant.

Mr. J.C. Wall III, applicant, came forward to respond to questions about the location and types of fencing around the proposed development. In response to a question, he stated that the proposed development did not include soundproof windows.

The public hearing was closed.

**The motion passed by a vote of 8 in favor and 1 in opposition. Commissioner Krolczyk cast the vote in opposition.**